

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

MIKE WHITTINGTON

PLAINTIFF

v.

CIVIL ACTION NO. 5:15-cv-52-DCB-MTP

CITY OF MCCOMB

DEFENDANT

ORDER ADOPTING REPORT AND RECOMMENDATION

This cause is before the Court on Magistrate Judge Michael T. Parker's Report and Recommendation (docket entry 25), to which no objections were filed. Having carefully reviewed the same, the Court finds that Plaintiff's claims are subject to dismissal pursuant to 28 U.S.C. § 1915(e)(2). Since the commencement of this civil action on June 9, 2015, the Court has granted pro se plaintiff Mike Whittington multiple opportunities to amend his pleadings and clarify the allegations asserted therein. See Orders [3], [14], [16], [18]. Nevertheless, Plaintiff's various amendments have failed to state any plausible claim for relief under the Racketeer Influenced and Corrupt Organizations Act ("RICO"). Furthermore, Plaintiff's claims arising under 42 U.S.C. § 1983 are time-barred. See Hubbard v. Miss. Conference of United Methodist Church, 138 F. Supp. 2d 780, 782 (S.D. Miss. 2001) ("[I]n Mississippi, the general three-year statute of limitations of section 15-1-49 of the Mississippi Code applies to section 1983 claims"). Therefore, the Court adopts the Report and

Recommendation, and shall dismiss Plaintiff's claims with prejudice.

Accordingly,

IT IS HEREBY ORDERED that Magistrate Judge Michael T. Parker's Report and Recommendation (docket entry 23) is ADOPTED as the findings and conclusions of this Court.

A Final Judgment dismissing the case with prejudice will follow in accordance with Federal Rule of Civil Procedure 58.

SO ORDERED, this the 8th day of February, 2017.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE